KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2021/62/94632/E**
Site Address:	29, Gilthwaites Crescent, Denby Dale, Huddersfield, HD8 8SW
Description:	Erection of attached dwelling
Recommending Officer:	Elenya Jackson

DECISION – FULL CONDITIONAL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Sarah Longbottom

AUTHORISED OFFICER

Date: 9 June 2022

OFFICER REPORT

Site Description

The application site is land to the south-east of no.29 Gilthwaites Crescent, which previously served as part of the curtilage of this dwelling. The proposal would therefore split the plot into two plots whilst retaining no.29 Gilthwaites Crescent.

When the site visit was conducted for this application, the land had already been cleared next to no.29, so the location of the proposed dwelling was apparent.

The site is unallocated and within a residential area of dwellings of similar scale and design

Immediately to the east of the site is a footpath; however, this is not a recorded public right of way.

Description of Proposal

The applicant is seeking permission for the erection of a two storey dwelling which would be attached to no.29 Gilthwaites Crescent along its eastern elevation.

The proposed dwelling would be constructed of brick with tiled roof and have a width of 5m beyond the side elevation of no.29. Its depth at ground floor level would be 9.2m and at first floor level would be 6.2m. The proposal would feature a gable end to its eastern elevation with a maximum height of 8m and an eaves height of 5.9m. These dimensions would match no.29 which the proposal would adjoin to.

The proposal would not feature any side facing windows to its eastern elevation.

Two parking spaces are proposed to the front of the development, in addition to a further 2 parking spaces to serve the existing dwelling. An area of private amenity space would be provided to the rear of the development, enclosed by a 2.0m high solid timber fence.

Relevant Planning History

None

Representations

The application was advertised by neighbour letters, which expired on 24/02/2022

Four representations were received which raised objections to the proposal for the following reasons:

- The erection of a new fence without planning permission raising security concerns
- Proposed access to the property
- Overshadowing/loss of lights for the residents to the rear of the proposal
- Overlooking to residents to the rear of the proposal
- Increased vehicular traffic
- No details of proposed boundary fencing
- Parking of construction vehicles
- Debris from previous constructions not being a reoccurring incident
- The redline boundary for the site not being accurate
- Impact to privacy levels
- Request for additional landscaping
- Object to a first floor being added to single storey rear projection of the proposal.

Consultation Responses

Denby Dale Parish Council: voiced concerns regarding neighbouring residents, overdevelopment of the site and the plan showing the boundary overlapping the pavement

KC Highways DM: No objections raised subject to conditions

KC Environmental Health: requested conditions relating to electric charging points and contaminated land

Public Rights of Way: No comments received

The Coal Authority: No consultation requirement

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is UNALLOCATED on the Kirklees Local Plan Proposals Map

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been

incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 7**- Efficient and effective use of land and buildings
- **LP 11**- Housing mix and affordable housing
- **LP 20** – Sustainable travel
- **LP 21**- Highways and Access
- **LP 22** – Parking
- **LP 24** - Design
- **LP 28** – Drainage
- **LP 30-** Biodiversity and Geodiversity
- **LP47** Healthy, Active and Safe Lifestyles
- **LP51** Protection and Improvement of Local Air Quality
- **LP52** Protection and Improvement of Environmental Quality
- **LP53** Contaminated and unstable Land

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 Achieving Sustainable Development
Chapter 5 Delivering a Sufficient Supply of Homes
Chapter 8 Promoting Healthy and Safe Communities
Chapter 9 Promoting Sustainable Transport
Chapter11 Making Effective Use of Land Chapter
Chapter 12 Achieving Well Designed Places
Chapter14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter15 Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance
Housebuilders Design Guide SPD (2021)

Kirklees Council has adopted supplementary planning guidance on new housing development which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing development.

Highway Design Guide SPD (2019)
Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding highway design and layout, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). As such, it is anticipated that this SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to highway design

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Negotiations
7) Conditions
8) Conclusion

1 – Principle of development:

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land. The Council is currently able to demonstrate a supply of 5.17 years and therefore continues to operate under a plan-led system.

Policies LP1 and LP20 of the Local Plan and Chapters 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development.

It is considered that the development proposed by this application could reasonably be viewed as meeting this aim in so far as it seeks the maximum use of land that is located within the built-up area of Denby Dale.

Additionally, the proposal would assist in meeting the housing needs of the Council. This would be 'in line' with the aims of Chapter 5 of the NPPF, which states that small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, and with Policies LP3 and LP11 of the adopted Local Plan which collectively in part support development schemes that provide housing of a type and mix that meets identified need in the District.

In view of the above, and as this site is surrounded by residential development, the proposal is considered to be acceptable in principle meeting the requirements of Policies LP1, LP3, LP11 and LP20 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

2 –Impact on visual amenity:

The proposed new dwelling would be visible within Gilthwaites Crescent and marginally within Thorpes Avenue which is the road to the rear of the application site.

The street scene is comprised of a variety of red brick terrace rows/ semi-detached dwellings and whilst not entirely uniform in appearance, they are cohesive.

It is considered that the scale and design of the proposal would be appropriate for the area and the use of matching materials to no.29 would aid its assimilation within the street scene.

The proposal would accord with existing building lines due to it not extending beyond the principal elevation of no.29 Gilthwaites Crescent. The properties within the street scene face into the crescent and due to the scale of the proposal, it is considered that the proposal would respect the built form of the area. It is considered that the proposal would relate in a satisfactory manner to its surroundings.

The application site is slightly elevated in relation to the neighbouring property to the east, however a space would be retained between the two due to the presence of the footpath. On balance, it is not considered that the proposed

development would have a significantly detrimental impact upon the character of the streetscene.

In coming to this view, consideration has been given to the fact that development in this particular locality does have varieties within its scale and design. In view of the above, provided that suitable conditions are imposed to ensure the satisfactory appearance of the development, it is considered that it will be acceptable in visual amenity terms reasonably satisfying the requirements of Policy LP24 of the Kirklees Local Plan, Chapters 12 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) in this regard.

3 – Impact on residential amenity of neighbouring residents:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers. The House Builder's Design Guide SPD goes into further detail with respect to Key Design Principle 6 on maintaining high standards of residential amenity.

61 Thorpes Avenue: Adjoins the application site to the rear. The property benefits from a single storey rear extension which received permission in 2008. The extension would be located 20.5m away from the rear of no.29 and the main dwelling would be located approximately 23m away from the rear of no.29.

Overlooking: The proposal would not extend beyond the rear of no.29 Gilthwaites Crescent which is 20.5m from no.61 at first floor level. The Kirklees House Builder's Design Guide states that a separation distance of 21m is required between facing windows of habitable rooms. It is generally accepted that this is a sufficient distance to mitigate against any overlooking relationship. The proposed development would be 20.5m away from the rear elevation of no.61 (measured from the projecting ground floor element). It is considered that the short fall of 50cm between the two properties would be marginal in the context of the proposal and would not result in any significant issues regarding overlooking.

Overshadowing/loss of light: The proposed dwelling would not sit within the horizontal 45 degree visibility splay of the rear facing windows at no.61and therefore, no significant issues would arise regarding overshadowing/loss of light.

Overbearing: The proposal would not extend closer to the rear of no.61 than the existing property on site (no.29). Therefore, no significant overbearing impact would arise as a result of the development.

59 & 63 Thorpes Avenue: It is considered that there would be sufficient distance between the proposal and no. 59&63 Thorpes Avenue so as to not

raise any significant concerns to the residential amenity of the occupiers of these dwellings.

27 Gilthwaites Crescent: adjoins the public footpath which is immediately to the east of the application site.

Overlooking: the proposal would not feature any side facing windows and rear facing windows are considered to be a usual relationship within a built-up residential area. Therefore, no significant issues would arise from overlooking
Overshadowing/loss of light: The proposed dwelling would not sit within the vertical or horizontal visibility splay of any habitable windows at no.27 and therefore, no significant issues would arise regarding overshadowing/loss of light.
Overbearing: The proposal would be set away from the main dwelling at no.27 by a public footpath. Due to the proposal not intercepting the private amenity space of no.27, no significant issues would arise regarding overbearing.

No.29 Gilthwaites Crescent: would adjoin the proposed dwelling.

Overlooking: The proposal would not feature any side facing fenestration and rear facing windows are considered a usual relationship between properties within a residential area; therefore, no significant issues would arise regarding overlooking.

Overshadowing/loss of light/overbearing: The proposal would not extend beyond the rear elevation of no.29 at first or ground floor level and therefore would not raise any significant concerns regarding overshadowing/loss of light/overbearing impact.

Due to the location of the proposed dwelling, it is considered that the residential amenity of all other neighbouring residents would not be significantly impacted should the proposal receive permission.

It is considered that once occupied the dwelling is unlikely to generate significant levels of noise. However, the site is surrounded by residential properties and the occupiers of these could potentially be disturbed by noise generated during the construction process (an objection to the development has been received on these grounds). To avoid this, it is recommended that in this instance a footnote is imposed limiting such works to between the hours of 7.30am and 6.30pm Monday to Friday, 8am and 1pm on Saturdays with no working permitted on Sundays or Public Holidays. This approach is supported by Environmental Health. In view of the above, despite concerns to the contrary, it is considered that the development will be acceptable in neighbour amenity terms reasonably meeting the requirements of Policy LP24 of the Local Plan and of the Housebuilders Design Guide SPD (2021) in this regard.

Additional to visual amenity reasons, it is necessary to impose a condition requiring the installation of a boundary fence before the dwelling is brought into use. This is to ensure that the privacy of neighbouring and future occupiers is adequately protected in accordance with policy LP24(c) of the

KLP. No other houses nearby would be adversely affected by the development under consideration.

4- Impact on residential amenity of future occupiers

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account principle 16 of the Kirklees House Builder's Design Guide which sets out that:

'*All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations'* and that *'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.*

National space standards require the following gross internal floor area for a two storey dwelling:

2 Bedroom, 3-person dwelling set over 2 storeys- 70 square metres
2 Bedroom, 4-person dwelling set over 2 storeys- 79 square metres

The proposed floor plans show the proposal would have two bed spaces and therefore is required to have an internal floor space of $70m^2$.

The proposal is shown to have an internal floor space of $67.7m^2$ which is $3m^2$ smaller than nationally prescribed space standards. Due to the proposal only marginally falling short of nationally prescribed space standards, it is considered, on balance, that an acceptable standard of living would be demonstrated if the proposal received planning permission.

Principle 17 of the House Builders SPD states that all new houses should have adequate access to private outdoor space. The application site has an area of approximately $138m^{2.}$ Approximately $40m^2$ of the site would be occupied with the footprint of the ground floor of the proposal, $50m^2$ would be retained as private amenity space to the rear of the proposed dwelling and approximately $33m^2$ would be retained as parking and bin storage.

Due to the proposed dwelling occupying approximately 29% of the site, it is considered that sufficient amenity space would be retained should the proposal receive permission and would not represent an overdevelopment of the site.

Overall, it has been considered that the proposal would have an acceptable impact on residential amenity and would be complaint with the aims of Policy LP24 (c) of the KLP.

5 – Impact on highway safety:

With regards to Highways Safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies

seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking and access to sustainable transport options.

KC Highways DM have been formally consulted as part of this application, as the proposal would intensify the domestic use at the site.

In this case, officers have noted that the new dwelling would have three bedrooms, with two parking spaces being created to the front of the site.

A condition has been requested to be attached to the decision to ensure that the driveway is appropriately surfaced and drained in accordance with standard guidance to ensure the additional hard surface does not result in an increase in surface water run-off and flood risk. This would accord with Policies LP28 and LP34 of the Local Plan.

Details of bin storage have also been presented on the proposed plans in which have been considered acceptable. Therefore, having taken into account the above, KC Highways Development Management consider the off street parking to be acceptable and therefore the application can be supported subject to the aforementioned conditions. This is to accord with Policies LP21 and LP22 of the KLP and the Councils Highways Design Guide.

In view of the above it is considered that the proposal will be acceptable in highway safety terms reasonably satisfying the requirements of Policies LP21 and LP22 of the Local Plan and of the Highway Design Guide SPD (2019) in this regard.

5– Other matters:

Carbon Budget

On 12th November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for the erection of a detached dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the decision notice requiring an electric vehicle recharging point be provided within the site for the future occupants of the dwelling. This is to comply with the aims of Policies LP24

and LP51 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Drainage

The agent has indicated, on the submitted application form, that both foul and surface water from the developed site are to be discharged into the mains sewer. Due to the scale of the proposal, the statutory drainage bodies have not been consulted on this application so it is not currently known whether these methods of drainage would be acceptable to them in this particular instance. In relation to surface water drainage, the applicant should consider the drainage hierarchy with discharge to sewer only being acceptable where it has been demonstrated that other options are not viable. However, given that this site lies within the main built up area of the village and is enclosed by residential development, it is considered very likely, on the balance of probability, that a suitable means of draining the development could be achieved in this instance. In view of this, and as control over drainage matters can reasonably be exercised through the Building Control process, it is considered that there are no reasonable drainage grounds for opposing this development.

Ecology

The site is not known to have previously been the habitat of any protected flora and fauna and it seems unlikely, on the balance of probability, that it is supporting anything of any significant ecological value now. In order to provide enhancement the development should incorporate measures to improve biodiversity opportunity, and as such conditions are imposed. In view of this it is considered that the proposal will reasonably satisfy the requirements of Policy LP30 of the Kirklees Local Plan and of Chapter 15 of the National Planning Policy Framework in ecological terms.

Contaminated Land

The application site is located near to a quarry (site 20/23) and could therefore be contaminated itself. To cover this the Councils' Environmental Health Service have recommended that a condition is imposed on any approval requiring the developer to submit a remediation strategy for the consideration and approval of the Local Planning Authority if unexpected contamination is found during the construction works. A condition to this end is therefore recommended.
Subject to the imposition of such a condition it is considered that the proposal will reasonably satisfy the requirements of Policy LP53 of the Council's adopted Local Plan and of Chapter 15 of the National Planning Policy Framework in land contamination terms.

Impact on footpath

The proposal would bring development closer to the boundary with the footpath which is not a recorded public right of way, however provides a pedestrian link between Gilthwaites Crescent and Thorpes Avenue. An existing 2m high approx. timber fence exists along this boundary and the proposed dwelling would be located in line with existing development. It is considered that due to these factors, the proposal would not have a detrimental impact upon users of this footpath significantly over and above the existing situation.

6 – Representations:
Four objections were received in response to this application raising the following concerns:

Concerns regarding trees that have been felled prior to the application:
Response: These trees did not have a TPO and therefore planning permission was not required for their removal

Concerns regarding access to the property and the use of a grassed verge to provide access
Response: KC Highways DM have been consulted on this application and have not raised any concerns from a Highway Safety Perspective. The use of the land not in ownership by the applicant would be a civil matter between the land owner and the applicant. Separate consent under the Highways Act would be required for formation of the vehicular crossing.

Concerns regarding overshadowing
Response: The proposals potential impact to neighbouring properties has been assessed in the residential amenity section of the report

Concerns regarding Overlooking
Response: The proposals potential impact to neighbouring properties has been assessed in the residential amenity section of the report

The proposal's design being domineering to the surroundings
Response: The proposals potential impact to visual amenity has been assessed in the visual amenity section of the report

Concerns regarding traffic generation and impact to the PROW
Response: KC Highways DM have been consulted and raised no concerns from a Highways Safety Perspective. A note will be added to the decision notice regarding works next to a public footpath.

Concerns regarding debris produced during the construction phase of the development
Response: Short term disruption caused during the construction period is not a reason to refuse the application. Inconveniences such as debris could be investigated as a complaint with Environmental Health.

Concerns regarding the red line boundary of the site being extended to include the pavement which is not owned by the applicant
Response: The red line boundary shows the extent of works being carried out. As the proposal would create a driveway, additional access would be required. A note will be added to the decision notice advising of the requirement for the separate authorisation for works within the highway

Existing development not being in keeping with the property.
Response: Previous extensions to no.29 do not form part of this application and cannot be considered as a reason for refusal

Requests for a condition for an acoustic fence which is at least 2m high and a scheme of planting included
Response: A condition will be added should permission be granted, requiring a suitable boundary treatment is erected prior to occupation of the dwelling.

Objections for future extensions to the property
Response: The majority of extensions or further alterations to the dwelling would require planning permission. However, conditions will be implemented removing permitted development rights to the new dwelling to prevent any adverse impacts to neighbours or overdevelopment of the site.

7 – Negotiations:

No negotiations were required.

8 – Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Matching materials to ensure that the extensions harmonise with the host property as using alternative materials would look out of place within the street scene.

The proposed driveway is to be surfaced appropriately prior to first use of the dwelling in the interests of Highway Safety.

An electric vehicle charging point shall be provided prior to first occupation of the dwelling in the interests of air quality

The surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed

no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved house to safeguard the amenity of neighbouring residents

No development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site to safeguard the amenity of neighbouring residents and preserve the character of the area.

If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease and a remediation strategy shall be submitted and approved by the LPA. In the interests of mitigating hazards associated with contaminated land.

A sparrow terrace nest box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into us; In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act.

No construction works, or deliveries to or from the site, shall take place outside of the hours of 07.30 to 18.30 hours Mondays to Fridays and 08.00 to 13:00 hours on Saturdays. No construction works or deliveries to or from the site, shall take place at all on Sundays or Public Holidays
To safeguard the amenities of neighbouring residents during the construction Period.

The dwelling hereby approved shall not be occupied until a boundary fence of 2m in height above ground level has been erected along the North western boundary with no.29 Gilthwaites Crescent, the Northern boundary with 61 Thorpes Avenue and the eastern boundary to the public footpath. Details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained
In the interests of residential amenity.

9 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation	**Approve**

Decision Authorisation - Delegated Powers
Application Number: 2021/94632
Officer Recommendation: Approve
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, LP1, LP2, LP3, LP7, LP11, LP20, LP21, LP22, LP24, LP28, LP30, LP33, LP47. LP51, LP52 and LP53 of the Kirklees Local Plan, Chapters 2, 5, 8, 9,11, 12, 14 and 15 of the National Planning Policy Framework and the provisions of the Housebuilders Design Guide SPD (2021) and Highway Design Guide SPD (2019).

3. The external walls facing materials of the extension hereby approved shall in all respects match those used in the construction of 29, Gilthwaites Crescent, Denby Dale, Huddersfield, HD8 8SW.
Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Builders SPD and the aims of chapter 12 of the National Planning Policy Framework.

4. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
Reason: In the interests of highway safety, to achieve a satisfactory layout and to accord with Policy LP22 of the Kirklees Local Plan.

5. Notwithstanding the submitted details, the surface water drainage strategy for the site shall be developed in accordance with the hierarchy of drainage and where soakaways are proposed, testing shall be provided to demonstrate that they are a suitable option for the site. The drainage works shall be completed in full before the approved dwelling is first occupied and shall thereafter be satisfactorily retained at all times.
Reason: To ensure the provision of an adequate drainage system in the interests
of amenity, environmental well-being, and to accord with Policies LP24, LP28 and LP52 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and to accord with Policies LP 21 and LP24 of the Kirklees Local Plan, the guidance contained in Chapters 9 and Chapter 15 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows, doors or other openings, other than those shown on the approved plans, shall, at any time, be formed within any elevation of the approved dwelling.
Reason: To safeguard the privacy of the adjoining properties, in accordance with the
requirements of Policy LP24 of the Kirklees Local Plan. and the provisions of the
Housebuilders Design Guide SPD (2021).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A - E of Part 1 of Schedule 2 to that Order shall be carried out within the red line boundary of the site.
Reason: To ensure that unsatisfactory extensions and outbuildings do not have an unacceptable impact on the amenities of surrounding properties, in accordance with the requirements of Policy LP24 of the Kirklees Local Plan and the provisions of the Housebuilders Design Guide SPD (2021).

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution, in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

10. A sparrow terrace nest box shall be installed to the exterior of the new dwelling before the dwelling hereby approved is first brought into use and thereafter retained for the lifetime of the development
Reason: In the interests of the biodiversity of the site and in accordance with the Wildlife & Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2010 and, compliance with the National Planning Policy Framework.

11. Notwithstanding the submitted plans and information, details of the position, height, and materials of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before any boundary treatments are first erected. The development shall then be completed in accordance with the approved details before the dwelling is first brought into use and thereafter retained
Reason: In the interests of residential amenity so as to prevent potential loss of privacy and to accord with Policy LP24 of the Kirklees Local Plan.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays
08.00 and 13.00hours, Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and

Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Electric Vehicle Charging Point
• A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof
• Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification
• Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
• The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
• The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Location Plan		07/01/2022
Proposed Dwelling	21/206	07/01/2022
Design and Access Statement		07/01/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

There were no revisions made to the proposal after submission as the proposal was considered to be acceptable in its original form.